

Application No.: 10/723,888

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Docket No.: 275412001900

REMARKS

Claims 1-14 were pending in the present application. By virtue of this response, claim 1 has been cancelled, claims 2, 3, 5, 6, 13, and 14 have been amended, and new claim 15 has been added. Accordingly, claims 2-15 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

Concerning the Specification

The Abstract has been amended to remove the words 'The object of the invention is to provide' on line 1, and also to remove the word 'A' on line 11.

On page 40, the paragraph beginning on line 5 of the specification has been amended to include the words "laser light". These words were noted as illegible in the published application 20040174801, paragraph [0128].

Objections

Claims 5-14 were objected to because of informalities.

In response, claim 5 has been amended to remove the word 'second'. Claim 6 has been amended to change the phrase 'can be' to 'are'. Since claims 7-14 depend from claim 6, this amendment to claim 6 also addresses the objection to claims 7-14.

Applicant respectfully submits that the informalities in claims 5-14 have been corrected.

Rejections under 35 U.S.C. §102(b)

The Office has rejected claims 1, and 3-5, as allegedly being anticipated by Ohyama (6,366,548).

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In response, claim 1 has been canceled without prejudice, claim 3 has been amended to include features similar to those of claims 1 and 14, and claim 5 has been amended to include the features similar to those of claim 1 and an integrated hologram element arranged between the light source and the optical recording medium. The integrated hologram element in the claimed arrangement is as shown in Figure 8 and described on page 63 of the specification. Accordingly, no new matter has been added. Further, claim 4 has not been amended because it depends on amended claim 3, and applicants submit that claim 4 is allowable for the same reasons as claim 3.

Rejections under 35 U.S.C. §103(a)

The Office has rejected claim 6, as allegedly being unpatentable over Kajiyama et al. (WO00/36597).

In response, the original claim 6 has been amended to include the additional feature that the half-wavelength plate is "mounted on a mirror surface of the optical axis conversion mirror." This feature is supported by the description at lines 22-25 on page 100:

"In addition, the half wavelength plate ... 412 is attached to the second mirror surface 406."

Figure 26 illustrates the half wavelength plate 412 attached to the second mirror surface 406. Lines 13-16 on page 98 state:

"The first and second mirror surfaces 405 and 406 have similar function as the optical axis conversion mirror 204 in the semiconductor laser apparatus 200."

This feature of claim 6 is also supported by Figures 10A, 13, and 15 showing a half-wavelength plate 205 and an optical axis conversion mirror 204, and by the descriptions of lines 9-12 on page 74:

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"The half wavelength plate ... 205 is mounted on the optical axis conversion mirror 204."

This feature is further supported by the descriptions of lines 20-23 on page 94, and lines 18-21 on page 107.

The feature of a half wavelength plate mounted on a mirror surface of the optical axis conversion mirror is not disclosed or suggested by Kajiyama et. al. Because the cited references do not disclose or suggest all of the features of the amended claim, Applicant respectfully asserts that amended claim 6 is in condition for allowance.

Furthermore, a new claim 15 has been added. Claim 15 discloses a half wavelength plate "disposed between the light source and the beam splitter". This feature is supported by Figure 1, which illustrates a half wavelength plate 51 disposed between a laser element 32 and a beam splitter 25. Kajiyama et al. does not disclose or suggest the arrangement of a half wavelength plate between the light source and the beam splitter. Because the cited references do not disclose or suggest all of the features of new claim 15, Applicant respectfully asserts that new claim 15 is in condition for allowance.

The Office has also rejected claims 7-8, under 35 U.S.C. §103(a), as allegedly being unpatentable over Kajiyama et al.

In response, applicant respectfully submits that claims 7-8 depend from claim 6, and so claims 7-8 are patentable over the cited reference for the same reasons as amended claim 6, upon which they depend.

Claims 9-12 are rejected under 35 U.S.C. §103(a), as allegedly being unpatentable over Kajiyama et al. in view of Nakanishi et al. (5,748,658).

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In response, applicant respectfully submits that claims 9-12 depend from claim 6, and so claims 9-12 are patentable over the cited references for the same reasons as amended claim 6, upon which they depend.

Allowable Subject Matter

Claims 2, 13, and 14 have been rewritten in independent form as suggested by the Examiner, and applicant submits that these claims are now in allowable form.

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CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 275412001900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted.

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